

NOT RECOMMENDED FOR PUBLICATION

No. 22-3039

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Nov 14, 2022
DEBORAH S. HUNT, Clerk

NAWAZ AHMED,)	
)	
Petitioner-Appellant,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR
TIM SHOOP, Warden,)	THE SOUTHERN DISTRICT OF
)	OHIO
Respondent-Appellee.)	
)	
)	

ORDER

Before: BOGGS, BUSH, and LARSEN, Circuit Judges.

Nawaz Ahmed, a prisoner sentenced to death by the State of Ohio, filed a habeas corpus action pursuant to 28 U.S.C. § 2254. On September 21, 2020, the district court entered its judgment denying Ahmed's habeas petition. On May 7, 2021, the district court denied Ahmed's motion to alter or amend the judgment. Ahmed timely appealed that decision and the underlying judgment through counsel (No. 21-3542). The appeal is still pending.

In June 2021, Ahmed filed a pro se motion to strike the notice of appeal filed by his attorneys in No. 21-3542. The district court denied the motion by order entered on September 7, 2021. In December 2021, Ahmed filed a pro se motion to reopen the time to appeal the September 7, 2021, order. The district court denied the motion to reopen on January 6, 2022. On January 12,

No. 22-3039

- 2 -

2022, Ahmed filed a pro se notice of appeal from the September 7, 2021, order denying his motion to strike and the January 6, 2022, order denying his motion to reopen.

The appeal is **DISMISSED** to the extent Ahmed appeals the September 7, 2021, order. As stated previously, the district court denied Ahmed's motion to reopen the time to appeal the September 7 order. The statutory requirement that a notice of appeal be filed within thirty days of entry of a judgment or order, *see* 28 U.S.C. § 2107(a), is a mandatory jurisdictional prerequisite that this court may not waive or alter, *see Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). Only issues regarding the January 6, 2022, order denying Ahmed's motion to reopen the time to appeal the September 7 order may be raised in this appeal.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read 'Deborah S. Hunt', is written over a horizontal line.

Deborah S. Hunt, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: November 14, 2022

Mr. Nawaz Ahmed
Chillicothe Correctional Institution
P.O. Box 5500
Chillicothe, OH 45601

Mr. Charles L. Wille
Office of the Attorney General
of Ohio
30 E. Broad Street
23rd Floor
Columbus, OH 43215

Re: Case No. 22-3039, *Nawaz Ahmed v. Tim Shoop*
Originating Case No. 2:07-cv-00658

Dear Counsel:

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Patricia J. Elder
Senior Case Manager

cc: Mr. Richard W. Nagel

Enclosure